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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

T2146-907272

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Signature _____

Typed or printed name _____

Application Number

09/856,700

Filed

05/25/2001

First Named Inventor

Renaud MARIANA

Art Unit

2157

Examiner

EI Chanti

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

attorney or agent of record.
Registration number _____

attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 **45,285**

Signature

Jason H. Vick

Typed or printed name

703-903-9000

Telephone number

January 25, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of **1** forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. T2146-907272

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

First Named Inventor: MARIANA, RENAUD

Art Unit: 2157

Appln. No.: 09/856,700

Examiner: El Chanti

Filed: May 25, 2001

Confirmation No.: 2286

For: METHOD AND ARCHITECTURE FOR
REMOVE MONITORING OF A USER STATION
VIA AN INTERNET-TYPE NETWORK AND
APPLICATION THEREOF TO A SMART CARD
DEMONSTRATOR

* * *

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Office Action rejects Claims 17-34 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,987,612 to Takagawa and Claim 26 under 35 U.S.C. § 103(a) as unpatentable over Takagawa.

Independent Claim 17 includes a number of features for remote control of a user station using a smart card via an Internet-type network including a storing step of storing in the remote server data and/or instructions in a first preliminary phase for allowing the generation of specific commands upon reception of specific requests originating from the request generating means of the user station and transmission of the specific commands to the user station. In a second preliminary phase, a piece of specialized software is loaded into the user station forming an interface distinct from a web browser between the first

and second protocol stacks the piece of specialized software being designed to translate the specific commands received by the user station that conform to a first given communication protocol, the first given communication protocol being used between the smart card reader and the smart card.

Claim 17 further recites transmitting, generating, receiving, using, and activating steps where the receiving step includes receiving the transmitted specific command in the user station, said reception step of said transmitted specific command using said piece of specialized software to intercept the specific command prior to the uppermost application layer represented by the web browser and to translate the specific command into a translated command that conforms to the first given protocol.

Similar features can be found in independent Claim 30.

This combination of features is neither taught nor suggested by Takagawa. While the Office Action points to lines 1-62 of Takagawa, after careful review of this portion of Takagawa and the remaining portions of Takagawa, it is apparent that while Takagawa is directed toward an Internet-accessing system using card readers and dual cards with information pertaining to log on, there is absolutely no teaching nor suggestion in Takagawa of this specific combination of features.

For example, at no point does Takagawa even mention protocols, application layers, or translation of commands. Moreover, there is no teaching or suggestion of intercepting commands and utilization of a specialized piece of software as claimed. Detailed remarks regarding these distinctions can be found in the November 23, 2005 Amendment on page 4 and continuing to the top of page 5.

Based at least on the above, Appellant respectfully submits that Takagawa does not anticipate the independent claims. The claims that depend therefrom are also

patentably distinguishable from Takagawa for at least the above reasons and the addition feature(s) presented therein.

Appellant thus respectfully requests the application be passed to issuance.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T2146-907272) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

Date: January 25, 2006

By: _____

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